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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,520	12/22/2000	Aman Gupta	GMES8081.045	4205
27061	7590	04/25/2005	EXAMINER	
ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (GEMS)			LE, UYEN T	
14135 NORTH CEDARBURG ROAD				
MEQUON, WI 53097			ART UNIT	PAPER NUMBER
			2163	

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/748,520	GUPTA ET AL.	
	Examiner	Art Unit	
	Uyen T. Le	2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Prosecution on the merits of this application is reopened on claims 1-35 considered unpatentable for the reasons indicated below:

Before issuing a Quayle action mailed 10 January 2005, consultation with Special Program Examiners regarding applicant's affidavit under 37 CFR 1.131 to swear behind the Christensen et al (US 2002/0156694) reference revealed that the affidavit does not show a clear mapping of all features claimed. Note that the original written date of the certificate of fax transmission was crossed out on the certificate and replaced with the written date of 31 December 2003. However, the affidavit was received at the Office and recorded on Palm on 30 January 2004.

Because the priority date of the Christensen reference antedated applicant's filing date only by 10 days, the examiner issued a Quayle action in anticipation that applicant would have no problem submitting a draft of the specification dated before the priority date of the Christensen reference showing all the claimed features and a mapping of those features in the exhibit filed with the affidavit.

Applicant argues that the request of the examiner is unusual and has not provided the information requested. Therefore, the Quayle action mailed 10 January 2005 is withdrawn. Rejection of claims 1-35 using Christensen et al is reinstated.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Christensen et al (US 2002/0156694) of record.

Regarding claim 1, Christensen discloses a method for displaying real-time status of product availability (see the abstract). The claimed "automatically querying...otherwise" is met by the fact that the method of Christensen monitors the actual progress of the assembly of a product (see 0045). The claimed "for each product...is available" and "displaying a listing...availability management" are met by the fact that the method of Christensen status of the inventory is supervised via the inventory database (see 0046-0056). Note also that the "counting a number of days to create a number of days before the product is available" does not in anyway affect the final operation of "displaying a listing of each product and when the product is available for shipment".

Regarding claim 2, Christensen discloses querying the database for a number of orders, product category and sales revenue, adding and displaying as claimed (see 0044).

Regarding claim 3, the claimed "displaying the number of days until the product is available for shipment" is met when Christensen discloses that actual progress of the assembly of a product is monitored (see 0045-0056).

Regarding claim 4, the claimed "creating a plurality...is available" is met when Christensen shows the production/assembly/shipping module (see Figure 4).

Claims 5, 6 merely read on the fact that a product changes to "ready for shipment" in the logistics system via a user interface upon completion (see 0045).

Claim 7 merely reads on the fact that the method of Christensen monitors the actual progress of the product assembly (see 0045).

Regarding claim 22, Christensen discloses displaying when the product is available to customers when Christensen shows customer tracking of the shipment (see 0046).

Claim 23 merely differs from claim 1 by adding the orders, product category and sales revenue. Christensen discloses all the claimed limitations (see 0044-0056).

Regarding claim 24, Christensen discloses the display categories includes a product status (see 0045).

Regarding claim 25, Christensen discloses automatically querying in real time when Christensen shows continuously or periodically supervising the actual inventory (see 0046).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-21, 26-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christensen et al (US 2002/0156694) of record, in view of Parad (US 5,369,570) of record.

Claims 8, 16 essentially recite a computer program product and signal for claim 1 with the added limitations of using temporary tables to store the number of days, accessing and updating the temporary tables. Although Christensen does not specifically show the use of temporary tables, it is well known in the art to use temporary tables for storing data during a continuous scheduling process as shown by Parad (see Figure 7, column 6, lines 20-22). Therefore, it would have been obvious to one of ordinary skill in the art to include the claimed features while implementing the computer program product of Christensen in order to maintain continuous update as actual progress is being monitored.

Claim 9 is met when Christensen shows planning and assembly schedule (see Figure 1).

Claims 10, 11, 12, 13 recite the same limitations of claims 2, 4, 5, 6 thus are rejected for the same reasons discussed in claims 2, 4, 5, 6 above.

Claims 14, 15 are met when Christensen shows querying the inventory system (see 0053).

Claim 17, 18, 21 recite the same limitations of claims 9, 12, 15, thus are rejected for the same reasons stated in claims 9, 12, 15 above.

Regarding claims 19, 20, since users' requirements vary, it would have been obvious to one of ordinary skill in the art to include the claimed intervals depending on users' application.

Claims 26, 30 correspond respectively to a method and system of claim 8, thus are rejected for the same reasons stated in claim 8 above.

Regarding claim 27, clearly the temporary tables are updated following a change since they store actual progress monitored continuously.

Regarding claim 28, Christensen teaches the concept of automatically querying the database for orders, inventory and revenue (see 0044, 0045, 0046).

Regarding claim 29, Christensen discloses that the regular time can be adjusted when Christensen shows continuously or periodically monitoring the system (see 0046).

Claim 31 merely recites a database for the limitations of claim 1, lines 7-9. Clearly the information has to be stored in the system of Christensen for querying purpose.

Regarding claim 32, the claimed actual shipping date has to be included in the shipping system of Christensen (see Figure 1, item 129).

Regarding claim 33, the claimed "displaying the number of days until the product is available for shipment" is met when Christensen discloses that actual progress of the assembly of a product is monitored (see 0045-0056).

Regarding claim 34, Christensen discloses an Intranet server for providing results to internal users (see 0051).

Regarding claim 35, Christensen discloses an Internet server for providing results to customers and potential customers (see Figure 1).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lindoefer et al (US 2002/0069096) teach method and system for supplier relationship management.

Proquest Document ID 47192267, "Sigma-Aldrech's web Customers Get Real-time Access to Product, Pricing, Order Information Thanks to Haht Software", Business Wire, 14 December 1999, 3 pages printed from the Internet on 29 December 2004.

Proquest Document ID 64912669, "ChipPAC Deploys New Resource Planning and eFulfillment Systems to Support Growth", PR Newswire, 4 December 2000, 3 pages printed from the Internet on 29 December 2004.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen T. Le whose telephone number is 571-272-4021. The examiner can normally be reached on M-F 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

18 April 2005



UYEN LE
PRIMARY EXAMINER